

The following is the case made out by the judge to wit:

State	Bill of Exceptions
vs.	
Thomas C. Dula	Charge Murder

Tried before Buxton, Judge at Iredell Superior Court, Fall Term, 1866.

The prisoner was indicted at Wilkes Superior Court for the murder of Laura Foster. As principle, Anne Melton was indicted in same Bill as accessory before the fact. Case is removed to Iredell for trial. Both arraigned together but the trial severed.

In opening the case the solicitor stated he expected to prove the charges by circumstantial evidence: that he expected to show that a criminal intimacy had existed between the prisoner and the deceased, a young girl; also between the prisoner and Anne Melton, a married woman, the wife of James Melton; that the prisoner had contracted a venereal disease from the deceased and communicated it to Mrs. Anne Melton; that he had uttered threats against the deceased, in consequence; that a day or two before the disappearance of the deceased, the prisoner was seen in close conference with her; that a day before her disappearance, he was seen with a Mattach in his hand, near the spot where her grave was afterwards discovered; that the night before Laura Foster's disappearance, both the prisoner and Anne Melton were absent from their homes; that on the morning of Laura's disappearance from her house, being Friday the 28th of May 1866, she was seen by a witness at a very early hour, riding along the road on her father's mare, with a bundle of clothes, in the direction of the Bates' place; and that that same morning, the prisoner was seen going in the same direction, by a path, leading from Laura's home in the direction of the Bates' place; that there would be evidence the deceased reached the Bates' place; (that) from the circumstances that the mare returned home with a part of the halter on her, that the missing part was afterward discovered tied to a tree near the spot indicated; that after search